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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/772,336	02/06/2004	Ronald M. Asbach	FSHR074/00US	4506
22903	7590 06/22/2004		EXAMINER	
COOLEY GODWARD LLP			WHITE, RODNEY BARNETT	
ATTN: PATENT GROUP 11951 FREEDOM DRIVE, SUITE 1700 ONE FREEDOM SQUARE- RESTON TOWN CENTER RESTON, VA. 20100 5061			ART UNIT	PAPER NUMBER
			3636	
KESTON, VE	RESTON, VA 20190-5061		DATE MAILED: 06/22/2004	

Please find below and/or attached an Office communication concerning this application or proceeding.

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. Editionals of the many be available under the provision of 3C PR 1.136(a), in no event, however, may a roply be timely flied Editionals of the many be available under the provision of 3C PR 1.136(a), in no event, however, may a roply be timely flied If the period for reply sepacified above is less than thirty (30) days, a roply within the utilidadusy minimum of thirty (30) days, will be commissioned for reply the period for reply will, by adultate, cause the application to become ABANDONED (50 U.S.C.§ 133). Any mply received by the office biter than information from the through float of the communication, even if fromly float, may reduce any consend patient term adjustment. See 37 CFR 1.744(a). Status 1) Responsive to communication(s) flied on 16 March 2004. 2a) This action is FINAL. 2b) This action is FINAL. 2b) This action is final. 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s) 1-24 is/are pending in the application. 4) Claim(s) 1-24 is/are allowed. 6) Claim(s) 1-24 is/are allowed. 6) Claim(s) 3.1 and 13 is/are objected to. 8) Claim(s) 8.11 and 13 is/are objected to. 8) Claim(s) 8.11 and 13 is/are objected to. 9) The specification is objected to by the Examiner. 10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.21(d). 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) Acknowledgment is made of a claim for foreign priority under 35		Application No.	Applicant(s)					
Rodiney B. White 3636 Period for Reply A. SHORTENED STATUTORY PERIOD FOR RELY IS SET TO EXPIRE 3 MONTH(S) FROM THE MILKING DATE of this communication appears on the cover sheet with the correspondence address — Period for Reply A. SHORTENED STATUTORY PERIOD FOR RELY IS SET TO EXPIRE 3 MONTH(S) FROM THE MILKING DATE of THIS COMMUNICATION. Edeminics of form may be available under the provisions of 3 CRR 1.136(s). In no event, however, may a roppy be limely filled sheet 3X(s) 6000000000000000000000000000000000000		10/772,336	ASBACH ET AL.					
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DETAILED ACTION

Claim Objections

Claim Rejections - 35 USC § 102

Claim 16 is objected to because of the following informalities: In claim 16, line 3, should an --a -- be inserted in front of the word "sensible". Appropriate correction is required.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
- (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 3, 6-7, and 9-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Ku (U.S. Patent No. 4,699,392).

Ku teaches the structure substantially as claimed including an infant support structure, comprising a base, a frame coupled to the base, said frame including a first

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frame portion and a second frame portion, a seat coupled to the frame for movement relative to the base, the first frame portion being releasably coupled to said seat; and a sensor configured to output a signal associated with a movement of said seat; and an output generating system coupled to said motion sensor and configured to generate a sensible based on the signal (See Abstract and specification), wherein the first frame portion includes a resilient element at least partially supporting said seat.

Claims 1, 3, 6-7, and 9-11 are rejected under 35 U.S.C. 102(e) as being anticipated by Gubitosi et al (U.S. Patent No. 6,540,579 B1).

Gubitosi et al teaches the structure substantially as claimed including an infant support structure, comprising a base, a frame coupled to the base, said frame including a first frame portion and a second frame portion, a seat coupled to the frame for movement relative to the base, the first frame portion being releasably coupled to said seat; and a sensor configured to output a signal associated with a movement of said seat; and an output generating system coupled to said motion sensor and configured to generate a sensible based on the signal (See Abstract and specification), wherein the first frame portion includes a resilient element at least partially supporting said seat.

Claims 14-15 and 17-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Peltier (U.S. Patent No. 2,282,086).

See Figures 1-4. There are front and rear supports 12,13 are pivotably couple to the base. The "infant support" is looped around at 9 to the front and rear supports and is therefore releasable coupled to the front support and pivotal coupled to the rear support

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Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 2 and 4-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ku in view of Tukui (U.S. Patent No. 4,171,847) and Takeuchi (U.S. Patent No. 4,225,146).

Ku teaches the structure substantially as claimed but does not teach that the walker is collapsible. However, Tukui and Takeuchi teach alternative conventional methods of collapsing baby walkers to be old. It would have been obvious and well within the level of ordinary skill in the art to modify the walker, as taught by Ku, to include a collapsible frame, as taught by Tukui and Takeuchi, since it would allow for easier storage and transport of the walker.

Claim 16 rejected under 35 U.S.C. 103(a) as being unpatentable over Peltier in view of Ku.

Peltier teaches the structure substantially as claimed but does not teach the output generating system and motion sensor. However, Ku teaches structures to be old. It would have been obvious and well within the level of ordinary skill in the art to modify the walker, as taught by Peltier, to include an output generating system and

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motion sensor, as taught by Ku, since it would alert parents or care givers of possible dangerous situations an infant has gotten himself into.

Claims 8, 11, and 13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 19-24 are allowed.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The refernces cited on the Form PTO-892 and not used in the rejection teach various walkers.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rodney B. White whose telephone number is (703) 308-2276.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Cuomo can be reached on (703) 308-0827. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Rodney B. White, Patent Examiner Art Unit 3636 June 14, 2004

Rooney B. White Patrick Examine B